

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF NEW YORK

**Wausau Underwriters Insurance
Company and Town Square Mall
Associates, LLC**

vs.

Cincinnati Insurance Company

JUDGMENT IN A CIVIL CASE

CASE NO. 3:05-CV-210

JURY VERDICT. This action came before this Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X **DECISION BY COURT.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED THAT PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT IS GRANTED AND PLAINTIFF IS AWARDED THE SUM OF \$108,196.71 AGAINST DEFENDANT CINCINNATI, PLUS PRE-JUDGMENT INTEREST AT THE RATE OF 9% PER ANNUM FROM OCTOBER 7, 2005. GRANTING PLAINTIFF'S RECOVERY OF THE COSTS AND DISBURSEMENTS OF THE INSTANT ACTION.

IN ACCORDANCE WITH THE HONORABLE THOMAS J. MCAVOY'S ORDER FILED FEBRUARY 21, 2006.

Dated: February 21, 2006

Lawrence L. Baum
Clerk of Court

s/S. Potter
By: Deputy Clerk